

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BALFRE DEGANTE-SALINAS,

Defendant.

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**Case No. 8:11CR47**

**ORDER**

This case is before the court on the defendant's Motion for Disclosure of Favorable Evidence (#26). In his motion to disclose, the defendant requests the disclosure of evidence favorable to him. The government has filed a Response to Defendant's Motion to Release Brady Materials Out of Time (#29). The government disclosed that it has recently located additional reports and that they have been disclosed to the defendant through counsel. The government also recognizes in its response, their duty to disclose exculpatory information, as well as noting that should they locate any additional discoverable material, that it will be provided.

In this case, the government is obligated to comply with Rules 16, 26.2, and 12.1 of the Federal Rules of Criminal Procedure, and Brady<sup>1</sup>. The government must also, based upon Rule 16, make a timely and complete disclosure of said information. Based upon its recent pleadings, the court finds the government has complied with their requirement of disclosure and at this time the government is not improperly withholding discovery. Defendant's Motion for Disclosure of Favorable Evidence (#26) is denied. However, the government is reminded of their continuing discovery obligations.

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<sup>1</sup> Brady v. Maryland, 373 U.S. 83 (1963).

**IT IS ORDERED:** Defendant's Motion for Disclosure of Favorable Evidence (#26) is denied.

A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 18th day of April 2011.

BY THE COURT:

S/ F.A. Gossett, III  
United States Magistrate Judge